

R162. Commerce, Real Estate.

R162-8. Prelicensing Education.

R162-8-4. School Conduct and Standards of Practice.

8.4.1 In order to maintain good standing and renew a certification, a course sponsor shall:

8.4.1.1 teach the approved course of study as outlined in the State Approved Course Outline;

8.4.1.2 require each student to attend the required number of hours and pass a final examination;

8.4.1.3 maintain a record of each student's attendance for a minimum of three years after enrollment;

8.4.1.4 not accept a student for a reduced number of hours without first having a written statement from the Division which defines the exact number of hours the student needs;

8.4.1.5 not make any misrepresentation in its advertising about any course of instruction, and shall be able to provide substantiation of any claims made. All advertising and public notices shall be free of statements or implications which do not enhance the dignity and integrity of the real estate profession. A school shall not make disparaging remarks about a competitor's services or methods of operation;

8.4.1.6 limit approved guest lecturers who are experts in related fields to a total of 20% of the instructional hours per approved course. A guest lecturer shall provide evidence of professional qualifications to the Division prior to being used as a guest lecturer;

8.4.1.7 within 15 calendar days after the occurrence of any material change in the school which would affect its approval, the school shall give the Division written notice of that change;

8.4.1.8 not attempt by any means to obtain or use the questions on the prelicensing examinations unless the questions have been dropped from the current exam bank;

8.4.1.9 not give any valuable consideration to a real estate brokerage for having referred students to the school. A school shall not accept valuable consideration from a brokerage for having referred students to the brokerage;

8.4.1.9.1 If the school agrees, real estate brokerages may be allowed to solicit for agents at the school. No solicitation may be made during the class time nor during the student break time. Solicitation may be made only after the regularly scheduled class so that no student will be obligated to stay for the solicitation;

8.4.1.10 use only certified instructors or guest lecturers who have been registered with the Division;

8.4.1.11 provide the instructor with the approved content outline for each course and shall assure the content has been taught;

8.4.1.12 provide a course completion certificate in the form approved by the Division to each student upon the student's completion of the prelicensing course;

8.4.1.13 furnish to the Division a current roster of the school's approved instructors and guest lecturers. A school shall provide an updated roster to the Division each time there is a change in school instructors or guest lecturers;

8.4.1.14 give no more than eight credit hours per day to any student;

8.4.1.15 ~~[provide a written disclosure to any prospective student, prior to accepting payment for a prelicense course, stating that: a) a student with a criminal history may possibly not qualify for a license; b) an applicant with a criminal history may be required to appear at a hearing before the Utah Real Estate Commission and the Director of the Division of Real Estate to seek approval to license; and there is no guarantee that such an applicant will be approved; and c) all applicants for a sales agent license will be required to submit to the Division with their applications fingerprint cards that will be used in the criminal background check;]~~Prior to accepting payment from a prospective student for a pre-licensing education course, a certified school shall provide a written disclosure to the prospective student stating: a) applicants for licensure must disclose any criminal history by answering a questionnaire as part of the pre-license exam; b) applicants for licensure must submit fingerprint cards to the Division and consent to a criminal background check; c) licenses issued by the Division are conditional pending the completion of the background check and that failure to accurately disclose a criminal history will result in an immediate and automatic license revocation; d) applicants with a criminal history described in subsection R162-2-2(2.2.9) do not qualify for a license; and e) applicants with a criminal history other than as described in subsection R162-2-2(2.2.9) will be considered on a case-by-case basis and may be required to appear at an administrative hearing to determine qualifications for licensure.

8.4.1.15.1 The school shall be required to obtain the student's signature on the written disclosure required by Section 8.4.1.15 acknowledging receipt of the disclosure. The disclosure form and acknowledgement shall be retained in the school's records and made available for inspection by the Division for a minimum of three years following the date upon which the student completed the prelicensing course; and

8.4.2 A school's owners and directors shall be responsible for the quality of instruction in the school and for adherence to the state statutes and administrative rules regarding school and instructor certification.

KEY: real estate business

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